

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-CV-12592-REK
MASS

GAETANO P. DELUCA,
Plaintiff

v.

THE TOWN OF HINGHAM,
HINGHAM BOARD OF HEALTH,
PETER B. BICKFORD,
CHAIRMAN, RAYMOND E. BEALE, JR.,
RUTH ANNE BECK, TREASURER/
COLLECTOR, BRUCE T. CAPMAN,
EXECUTIVE HEALTH OFFICER and
FIRST HIGH STREET TRUST,
Defendant,

PLAINTIFF'S MOTION TO STRIKE/DENY
DEFENDANTS' MOTION TO DISMISS AND
ANY AMENDED MOTION TO DISMISS

Now comes the plaintiff, Gaetano P. DeLuca, and respectfully moves to strike/deny the defendants' Motion to Dismiss and any subsequent Amended Motion to Dismiss the Defendants may attempt to file.

In support of this Motion, the plaintiff states the following:


1. The plaintiff is representing himself in this matter pro se.

2. This action was commenced on December 23, 2003.
Thereafter, all Defendants were served.
3. On September 8, 2004, the parties appeared before this Court pursuant to a Notice to appear for a Scheduling Conference.
4. At that September 8, 2004 Scheduling Conference, the defendants informed the Court that they wished to file an Amended Motion to Dismiss.
5. The Court ORDERED that any such Amended Motion must be filed and served on or before September 29, 2004.
6. The defendants have not filed and served their Amended Motion to Dismiss in a timely manner as directed by the Court. The defendants failure to do so has and will prejudice the plaintiff.

WHEREFORE, the plaintiff prays that this Honorable Court strike/deny the defendants' Motion to Dismiss and any Amended Motion to Dismiss that the Defendants now attempt to file and serve. The plaintiff further prays that this Honorable Court Order the defendants to file their Answers to the Complaint on or before October 8, 2004.

Dated: September 30, 2004

Respectfully submitted,


Gaetano P. DeLuca
140 High Street
Hingham, MA 02043
(781) 749-7624

CERTIFICATE OF SERVICE

I herein certify that all parties were served by First Class Mail, Postage Pre-Paid and by Facsimile on September 30, 2004.

September 30, 2004

